

Yuga Labs Inc. v. Ryan Hickman
Case No. 2:23-cv-00111-JCM-NJK

EXHIBIT A

(Declaration of R. Hickman)

Yuga Labs Inc. v. Ryan Hickman
Case No. 2:23-cv-00111-JCM-NJK

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

YUGA LABS, INC.,

Plaintiff,

v.

RYAN HICKMAN,

Defendant.

**DECLARATION OF RYAN HICKMAN IN SUPPORT OF MOTION TO VACATE OR
SET ASIDE DEFAULT JUDGMENT**

I, Ryan Hickman, declare under penalty of perjury under the law of the United States of America and the State of Nevada that the following is true and correct:

1. I am competent to testify to the matters asserted herein, of which I have personal knowledge, except as to those matters stated upon information and belief. As to those matters stated upon information and belief, I believe them to be true. If called upon to testify as to the matters herein I could and would do so.

BACKGROUND

2. I am a computer programmer with more than twenty years of experience in software development and related technologies.
3. I am an active member of the blockchain/crypto community
4. Through my ordinary activities in the crypto community, I was aware of the Bored Ape Yacht Club non-fungible token (“NFT”) collection.
5. I have many residences in Nevada, including a house in Henderson, Nevada.
6. My youngest daughter, who is twelve years old, resides at my Henderson home.
7. Between January 2023 and August 2023, I spent the vast majority of my time outside of Nevada travelling domestically and internationally.
8. Upon learning of the instant proceedings, I made several attempts to retain counsel, but faced difficulty finding counsel to represent me.

YUGA LAB'S ATTEMPTED SERVICE ON FEBRUARY 9, 2023

9. On or about February 9, 2023, while I was traveling outside of Nevada, a process server attempt to serve my daughter with documents while she was taking out the trash at the end of our driveway.
10. At the time of this attempted service, my daughter was twelve (12) years old.
11. After a brief conversation with my daughter, the process server told my daughter that he could not serve her with the documents and departed from my Henderson residence.
12. The process server later returned to my Henderson home, and abandoned the documents on the window sill on my front porch, which was captured on my doorbell camera ("Doorbell Footage"). A correct and accurate copy of the Doorbell Footage is attached hereto as **Exhibit 1**.
13. A correct and accurate screenshot of Doorbell Footage is provide below:



14. Based upon my limited understanding of the legal system, I understood the process servers attempted service of the documents on my twelve year old daughter and abandoning documents on my porch to fly away in the wind to mean no proper service had been effected.

OWNERSHIP OF A BORED APE YACHT CLUB NFT

15. In 2021, I purchased and currently own a Bored Ape Yacht Club NFT.
16. The Bored Ape Yacht Club NFT that I own prominently displays what Yuga Labs, Inc. (“Yuga”) calls the “ape skull” logo and the “BAYC” logo in the associated digital image. The terms BAYC, BORED APE, APE, and BORED APE YACHT CLUB are also in the code of the NFT itself.
17. The Bored Ape Yacht Club NFT that I own resides in an Ethereum wallet that I control.
18. I purchased a Bored Ape Yacht Club NFT partially due to the terms and conditions that Yuga provided, which stated that “[w]hen you purchase an NFT, you own the underlying Bored Ape, the Art, completely” and includes “an unlimited, worldwide license to use, copy, and display the purchased Art for the purpose of creating derivative works based upon the Art (‘Commercial Use’).”
19. As a holder of a Bored Ape Yacht Club NFT, I also paid attention to the public statements made by Yuga’s founders, executives, and employees.
20. Yuga’s founders and executives would encourage, and have continued to encourage, holders of Bored Ape Yacht Club NFTs to use their Bored Ape Yacht Club NFTs to create their own projects and to monetize their own projects using their granted intellectual property (“IP”).
21. Yuga’s former CEO, Nicole Muniz, publicly stated in the context of the Bored Ape Yacht Club that “all of those IP rights are granted to the member ... we have none of those rights.”
22. I understood the term “IP rights” used in Ms. Muniz’s announcement to mean rights associated with copyright, trademarks, and patents.
23. At no point prior to purchasing my Bored Ape Yacht Club NFT did I ever see a statement, press release, or announcement from Yuga that would suggest that I was

mistaken in my belief that Yuga gave away all its “IP rights,” and that I retained a license to the “IP rights.”

NO AFFILIATION WITH <APEMARKET.COM> OR <RRBAYC.COM> DOMAIN NAMES

24. I have never been the domain name registrant or the domain name registrant’s authorized licensee of either the following domain names: <apemarket.com> or <rrbayc.com> (“Domain Names”).

25. I have never managed, controlled, or operated any functions, sales, or promotions through the Domain Names.

INTENT TO PARTICIPATE IN THE INSTANT PROCEEDINGS

26. I have retained counsel to represent me in the above referenced matter, and remain committed to participate in this legal matter.

DATE: 8/29/2023

/s/ Ryan Hickman
Ryan Hickman